

## 7 RECOMMENDATIONS FOR ORDINANCES OR CODE CHANGES

Section 1.1.2 lists local planning tools and documents that bear, directly or indirectly, on the acquisition or management of wildlife habitats. Additionally, the species information and management approaches described in Sections 3 through 6 include some descriptions of recommended new ordinances or policy changes that would improve or reinforce Longmont's wildlife resources. The following list briefly summarizes recommendations for general policies, additions or modifications to City ordinances or the Land Development Codes, and new strategic approaches related to the acquisition or management of wildlife habitat and management of problem wildlife or other species.

### 7.1 General Policies

#### 7.1.1 Policies Regarding Problem Wildlife and Private Property

To reduce the burden on City staff and budgets of addressing problem wildlife in situations that involve private property, the City should:

- Develop, in cooperation with the Colorado Division of Wildlife, and distribute (by pamphlets, mass mailings, email postings, or other tools) information regarding the negative aspects, including costs to the City, health and safety risks to the public, and potential risks to wildlife of attracting wildlife to urban/suburban environments.
- Develop and distribute information on methods of reducing wildlife problems on private property, including not feeding wildlife and, if an animal chooses to den or nest on that property, having it removed promptly (see bullet below) and correcting the problem that attracted the animal after it has left or been removed (e.g., blocking access points for squirrels into attics or raccoons into chimneys).
- Develop and distribute information regarding the City's role in responding to wildlife problems, versus the citizen's role. Specifically, the City should adopt a policy that City staff, including animal control and other personnel, will respond to requests from private parties only if (a) the situation exists on City-owned land, or (b) the situation represents a potential imminent health and safety risk. Private parties should contact professional pest control organizations or wildlife rehabilitation groups regarding problem wildlife on private property.

#### 7.1.2 Policies Pertaining to City Lands

To help in achieving the wildlife and habitat goals described in this Plan, the City should:

- Implement the management recommendations listed in Sections 4 through 6.
- Adopt a policy for City lands that establishes a minimum setback of 150 feet and a preferred (where practicable) setback of 200 feet or greater for trails, roads, and other facilities within or along riparian corridors, including ditches that support riparian trees and shrubs. Exceptions may include crossing points of bridges and portions of soft-surface, pedestrian-only "nature trails" that may approach more closely in limited areas for wildlife viewing.
- Adopt a policy for City lands that existing trails or other conditions on City lands that do not conform to the recommended minimum setback above be considered for realignment in the future when other modifications are needed or when sufficient funds are available.

- When the Open Space emphasis shifts from acquisition to management, adopt a policy for City-owned or City-managed Open Space lands requiring that any degraded or primarily non-native areas be considered for restoration or enhancement. This should include both improving the condition of existing habitats and, where practicable, creating native habitat types that were historically present but currently lacking or under-represented in Longmont (e.g., native grasslands). A long-range plan should be developed to prioritize these activities using the methodology applied in Sections 5 and 6 of this Plan.

## 7.2 New or Expanded Ordinances Regarding Problem Wildlife

To aid further in achieving the wildlife and habitat goals of this Plan, the City should consider enacting the following ordinances, whether new or representing an expansion of an existing ordinance. These recommended new ordinances are not intended to infringe on the rights of Longmont's citizens or to result in an intensive enforcement program by the City. Instead, the ordinances should be accompanied by an educational campaign and would provide a basis for enforcement in the event of egregious and continuing violations that result in substantial harm to City property or create a nuisance for other residents.

- Prohibition Against Feeding Wildlife – To minimize problems associated with habituation and concentration of some wildlife (e.g., the red fox, raccoon, and striped skunk) in urban/suburban habitats, the City should prohibit the feeding of all wildlife, whether on private or public land, except for bird feeders on private land. A sample ordinance, based on language recently adopted by the Colorado Division of Wildlife regarding feeding of coyotes and foxes, is as follows:

“No person shall place, deposit, distribute, or scatter any food or other substance so as to intentionally constitute a lure, attractant, or enticement for [wildlife] within the City of Longmont, except for such lands where hunting and the discharge of firearms are legal, where the use of the food is in furtherance of legal hunting, or where the food is used in conjunction with legal trapping. Exceptions may be granted for the purpose of attracting wildlife for the purpose of outdoor education and nature study, but with a maximum duration of one week in any 3-month period.”

- Prohibition Against Keeping Pet Food Outdoors Overnight – To minimize problems associated with habituation and concentration of some wildlife in urban/suburban habitats, the City should prohibit the keeping of pet food outdoors overnight. Like the ordinance prohibiting intentional feeding of wildlife, this ordinance is intended to reduce the attractiveness of urban/suburban environments to carnivores such as the red fox, raccoon, and striped skunk.
- Prohibition Against Keeping Garbage Outdoors Overnight – To minimize problems associated with habituation and concentration of some wildlife in urban/suburban habitats, the City should prohibit keeping garbage outdoors overnight, except beginning no earlier than 1 hour before sunrise on the day of trash collection. This prohibition would exempt garbage kept in wildlife-proof containers or fenced and roofed enclosures.

## 7.3 New or Expanded Land Development Code Components

As a means of extending important wildlife and habitat management goals to private lands, the City should consider incorporating the following components into the Land Development Code. These suggested additions or modifications to the existing code are not intended to

unreasonably impede or delay development or infringe on private property rights. Instead, the recommended new measures would ensure that new developments adequately consider wildlife and habitat preservation or enhancement for the benefit of existing and new residents of Longmont. The measures are aimed at ensuring that Longmont's currently high quality of life is maintained while accommodating continued population and economic growth. Thus, the measures would change how future development within or adjacent to important wildlife habitats would be designed, but not their overall development density.

- Expanded Riparian Setback – Modify the existing language of the Code, which establishes a setback of 100 feet from the ordinary high water mark of a stream, so that the minimum setback is 150 feet as measured from the outer edge of riparian vegetation, including the outer edge of the canopy edge of riparian trees and shrubs. Where riparian vegetation is not present, the 150 feet should be measured from the top of the banks.
- Optional Additional Riparian Setback – Establish a policy that would create incentives for developers to expand the riparian setback beyond the minimum required (whether 100 feet as at present or 150 feet as recommended). Incentives could include increased open space credits, density bonuses or exchanges, or other mechanisms.
- Limitations on Riparian Fragmentation – For proposed developments with one or more new stream crossings, require that the crossing be designed in a manner that does not restrict wildlife movement along the stream corridor, does not interfere with movement of aquatic species, and is sited to avoid or minimize loss of high-quality riparian vegetation (e.g., mature trees and native shrub thickets). If multiple crossings are proposed (e.g., a road, bike path, and utilities), require that they be collocated to the extent practicable or, if collocation is not practicable, that the developer demonstrate that the multiple locations have been sited to minimize habitat fragmentation and loss.
- Optional Riparian Restoration or Enhancement – Consider a policy that would create incentives for developers to enhance or restore degraded riparian habitat. Methods of enhancement or restoration to be considered could include, among others, removal of debris (e.g., concrete rubble), control of weeds, removal and replacement of Russian-olives with native trees, and planting of desirable native trees, shrubs, and grasses to improve habitat structure, contiguity, and connectivity, as well as screening from the proposed development.

Riparian restoration programs on private lands should be conducted in a way to not impede storm flows and thus create a public safety hazard. This could be accomplished by (1) ensuring that new bridges or culverts have excess capacity or other measures to reduce the potential for blockage from vegetation; (2) planting species less prone to limb breakage than the prevalent cottonwoods, box-elders, and “crack willows” (e.g., hackberry); and (3) emphasizing plantings of trees and shrubs along the tops of the banks rather than along the active channel. Special care should be taken in designing restoration of stream reaches immediately upstream from bridges or culverted road crossings.

- Creative Stormwater Management – Consider a policy that would require or, at a minimum, create incentives for developers to design stormwater management facilities that serve an ecological function such as wildlife habitat or water treatment. Examples include (1) conveying stormwater runoff in swales vegetated with wetland or moist upland plants instead of in piped storm sewers or concrete channels and (2) designing detention ponds to support unmanicured native plants, including woody species where appropriate, instead of manicured turfgrass. These

measures may also constitute Best Management Practices to assist the City in meeting pending non-point-source (stormwater) water quality standards.

- Prairie Dog Preservation and Management on Private Lands – Consider a policy that would extend the prairie dog preservation and management measures described in Section 4.4.5 to private lands being considered for development. This would apply only to lands above a specified size and to prairie dog colonies above a specified size (acres and/or population). This could become a component of an expanded Species or Habitat Protection Plan. See next bullet.
- Wildlife or Habitat Mitigation Fee – Consider expanding the current requirement for a Species or Habitat Protection Plan by establishing a process by which a developer is required to pay a wildlife or habitat mitigation fee to the City for loss of important habitats or wildlife that cannot reasonably be avoided by the proposed development. The purpose of the fee would be to assist the City in acquiring new or maintaining existing habitats that represent the same type of wildlife use. Examples include prairie dog colonies, native plant communities, wetlands, riparian corridors, and areas of mature trees (if desirable species).

#### **7.4 New Requirements Related to Annexation or Subdivision Applications**

In addition to measures related to specific land development applications (Section 7.3), the City should consider the following regarding annexations or subdivision applications.

- Notification of Open Space Superintendent – The City planning staff should notify the Open Space Superintendent of any applications for annexation or subdivision so that the Superintendent may inspect and evaluate the affected lands early in the application review.
- Wildlife Inventory and Management Plan – In conjunction with proposed annexation or subdivision, the City should require the applicant to submit a report, prepared by a qualified biologist, describing existing ecological resources and how loss of, or impacts to, those resources would be avoided, minimized, or offset. The report should specifically address important or high-priority habitats and wildlife (see Sections 5.2 and 6.1).
- Wildlife Habitat Dedications – In conjunction with proposed annexation or subdivision, the City should consider requiring, as a condition of approval, a dedication of specified acre-amounts of important, high-priority, or other identified habitats. If this recommendation is adopted, the City could devise a process or formula for calculating the acre-amounts of the required dedication. This could be based, for example, on the size of the parcel, the habitat types and wildlife uses present, and the anticipated land uses. The process or formula for calculating acre-amounts should be written to prevent an applicant from taking one or more actions to reduce the amount, type, and quality of ecological resources prior to or during the application review.

#### **7.5 New Ordinances Regarding Lands Acquired and Held in Anticipation of Development**

The City should consider a policy to require developers, land speculators, or other parties who purchase agricultural land or other open lands for future development to maintain the land in a manner that does not (1) result in infestations of noxious weeds or (2) allow prairie dogs to become established in areas where they did not previously occur, unless the developer, speculator, or other party is prepared to maintain the colony in perpetuity.

The purpose of this ordinance is to prevent conditions that create an ongoing or future management problem for the City. For example, weed infestations may complicate future

management of portions of the property retained as open space and create a problem for adjacent landowners. Establishment of prairie dogs on lands from which they were previously excluded by active agriculture or control may create a problem for future development of the site or for adjacent properties onto they disperse. Additionally, the establishment of a colony that will subsequently be removed for development may cause other wildlife (e.g., coyotes, raptors) to alter their historic patterns of use, only to be adversely affected in the future when the new prey base is eliminated.

In requiring the control of weeds on these lands, the City should comply with the Colorado Noxious Weed Act and the Boulder County noxious weed policies. However, the City's ordinance could go beyond the State and County requirements by helping to prevent the establishment of noxious weeds rather than dealing with the problem after it has been created. Examples could include (1) ongoing maintenance-level applications of herbicides or use of mowing to minimize weed reproduction and/or (2) the seeding and maintenance of a dryland cover crop (in areas of abandoned cropland) to minimize weed colonization.

Preventing prairie dog colonization of lands in which they were not present at the time of the change in ownership or use may require that the current owner or other responsible party (1) construct a perimeter barrier (e.g., vinyl fencing) to prevent movement onto the property or (2) remove prairie dogs as an ongoing process rather than allowing establishment of a viable colony. In the latter case, prairie dog control should conform to the seasonal constraints and burrowing owl survey requirements specified in Section 4.4.5 of this plan.

## **7.6 Policy Regarding Grants and Joint Acquisitions**

The City should identify and consider, on an ongoing basis, opportunities such as State grants, joint purchases with other entities, or other funding mechanisms to assist in the purchase of lands containing important or high-priority wildlife and habitats (see Sections 5.2 and 6.1). The purpose of this policy is to allow the acquisition, for the benefit of the City and its citizens, more areas and acres of such habitats than practicable solely with Open Space tax revenues.